

HOFLAND & TOMSHECK

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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA

Plaintiff,

vs.

VERNELL MARSHALL,

Defendant.

Case No.: 2:18-cr-00276-JAD-EJY

Stipulation and Order to Continue
Sentencing
(Second Request)

IT IS HEREBY STIPULATED AND AGREED, by and between JASON M. FRIERSON, United States Attorney, and BRIAN WHANG, ESQ., Assistant United States Attorney, counsel for the United States of America, and JOSHUA TOMSHECK, ESQ., counsel for Defendant VERNELL MARSHALL, that the Sentencing and Disposition currently scheduled for March 13, 2023 at 11:00 a.m. be continued until March 17, 2023 or to a date convenient for the Court, preferably a Friday.

This stipulation is entered into for the following reasons:

1. This is the second Sentencing and Disposition continuance request.
2. Counsel for the Defendant has a scheduling conflict and will be out of the jurisdiction making him unavailable for the current setting.
3. Counsel for Defendant is set to begin a multi-Defendant Federal Trial before Judge Gloria Navarro on March 20, 2023 and is expected to last for 4-6 weeks, with no

1 sessions on Fridays. Therefore, counsel would be available on any Friday setting
2 during that time period.

3 4. The parties agree to the continuance.

4 5. The defendant is in custody and does not object to this continuance.

5 6. Additionally, denial of this request for continuance could result in a miscarriage
6 of justice.

7
8 7. For the above stated reasons, the parties agree that a continuance of the Sentencing
9 and Disposition would best serve the ends of justice in this case.

10
11 DATED this 9th day of March, 2023.

12
13 Respectfully submitted,

14 HOFLAND & TOMSHECK

JASON M. FRIERSON
United States Attorney

15
16 /s/ Joshua Tomsheck
17 JOSHUA TOMSHECK, ESQ.
18 Counsel for Defendant
VERNELL MARSHALL

/s/ Brian Whang
BRIAN WHANG, ESQ.
Assistant United States Attorney

HOFLAND & TOMSHECK

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**IN THE UNITED STATES DISTRICT COURT
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FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. This is the second Sentencing and Disposition continuance request.
2. Counsel for the Defendant has a scheduling conflict and will be out of the jurisdiction making him unavailable for the current setting.
3. Counsel for Defendant is set to begin a multi-Defendant Federal Trial before Judge Gloria Navarro on March 20, 2023 and is expected to last for 4-6 weeks, with no sessions on Fridays. Therefore, counsel would be available on any Friday setting during that time period.
4. The parties agree to the continuance.
5. The defendant is in custody and does not object to this continuance.

1 6. Additionally, denial of this request for continuance could result in a miscarriage
2 of justice.

3 7. For the above stated reasons, the parties agree that a continuance of the Sentencing
4 and Disposition would best serve the ends of justice in this case.
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6
7 ORDER

8 IT IS HEREBY ORDERED, that Sentencing and Disposition currently scheduled
9 for March 13, 2023 at 11:00 a.m. be continued to March 31, 2023, at 2:00 p.m.
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12 DATED this 9th day of March, 2023.
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14 
15 _____
16 UNITED STATES DISTRICT JUDGE
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18 Respectfully Submitted By:

19 /s/ Joshua Tomsheck

20 Joshua Tomsheck, Esq.

21 Nevada Bar No. 009210

22 Attorney for Defendant
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